

## MINUTES

### CITY PLAN COMMISSION/ARCHITECTURAL REVIEW BOARD

NOVEMBER 5, 2007

The City Plan Commission/Architectural Review Board of the City of Clayton, Missouri, met upon the above date at 5:30 p.m., Chairman Harold Sanger presiding. Upon roll call, the following responded:

#### Present

Harold Sanger, Chairman  
Steve Lichtenfeld, Aldermanic Representative  
Michael A. Schoedel, City Manager  
Jim Liberman  
Debbie Igielnik (arrived at 5:50 p.m.)  
Marc Lopata  
Scott Wilson (left at 6:55 p.m.)

#### Absent:

None

#### Also Present:

Catherine Powers, Director of Planning & Development Services  
Jason Jaggi, Planner  
Kevin O'Keefe, City Attorney (arrived at 6:08 p.m.)

Chairman Sanger welcomed everyone to the meeting and asked that conversations not take place during the meeting and that all cell phone and pager ringers be turned off.

#### MINUTES – REGULAR MEETING OF OCTOBER 15, 2007

The minutes of the regular meeting of October 15, 2007 were presented for approval. The following changes were asked to be made to the minutes: Page 1 - (heading), change “Acting Chairman Jim Liberman” to “Chairman Harold Sanger”); Page 11 - paragraph that begins “Marc Lopata stated that the impervious coverage...” add new sentence to paragraph to read “He stated that there are locations within Clayton where untreated sewage can be discharged onto the streets or creeks when the MSD system is overloaded during a storm.”; Page 14 - remove “Mr. Mulvihill” and replace with “He” (referring to Mr. Bales) and combine this paragraph with the one above; Page 15 - paragraph that begins “Being no further questions...” replace “seconded by Jim Liberman” with “seconded by Marc Lopata”. The minutes were then approved, as amended, after having been previously distributed to each individual member.

#### CONDITIONAL USE PERMIT – STRATTON'S CAFÉ – 176 CARONDELET PLAZA (PLAZA IN CLAYTON)

Mr. Ben Stratton, restaurant owner, was in attendance at the meeting.

Catherine Powers explained that Stratton's Cafe will be approximately 4,018 square feet in size and will accommodate 112 patrons in the dining area. Patron and employee parking will be available in the building or adjoining parking garage. Outdoor dining is not part of the request. A liquor license will be requested. Proposed hours of operation are 6 a.m. until midnight, seven days a week. Deliveries to the restaurant will be made to the rear building loading dock. The restaurant will not offer delivery service. Trash dumpsters are located in the rear of the building and trash compactors are available at the receiving docks. Catherine indicated that staff recommends approval of the Conditional Use Permit as requested.

Mr. Stratton introduced himself.

Chairman Sanger asked if he had a location in Webster Groves.

Mr. Stratton replied "yes". He stated it is a fast, casual establishment serving breakfast, lunch and an early dinner. He stated he will not remain open until Midnight, but wanted to be sure hours were covered. He stated the theme is simple; a patron places his/her order at the counter, picks up food at the same counter and sits down to eat. He stated he will have a full breakfast menu with eggs cooked many ways. He will also serve items such as burgers, Panini's and quesadillas. Samples of the tile and counter top were presented to the Commission.

Steve Lichtenfeld asked about signage.

Catherine Powers indicated that signage has not yet been requested. She stated that currently, the only signage being requested is the restaurant name on the awning.

Mr. Stratton indicated that the only signage he has approval for at this time is the name on the awning.

Jim Liberman asked about parking.

Catherine Powers stated there is more than adequate parking at 18 spaces.

Mr. Stratton stated that there is unlimited validated garage use as well.

Chairman Sanger asked Mr. Stratton when he plans to open.

Mr. Stratton indicated that he hopes to open in March

Being no further questions or comments, Steve Lichtenfeld made a motion to recommend approval of the conditional use permit to the Board of Aldermen. The motion was seconded by Mike Schoedel and unanimously approved by the Commission

CONCEPTUAL REVIEW – MIXED-USE DEVELOPMENT – 201, 211 & 215 N. MERAMEC AND 8015 PERSHING

Mr. Craig Saur, developer, and Mr. Lou Saur, project architect, were in attendance at the meeting.

Catherine Powers explained that these sites have been vacant for several months, but were previously occupied by a barber shop, offices and an apartment building. She stated that Conrad Properties is requesting conceptual review of a proposed planned unit development (PUD) consisting of a 10-story residential building featuring approximately 132 apartment units and a 4-story, 84,000 square foot office building. Parking will consist of 300 shared spaces in an underground parking garage beneath the office building and 25 additional spaces on the main level of the office building. She indicated that the project will require a public hearing for the rezoning of the west portion of the residential tower from R-4 to C-2 (8015 Pershing) as well as a rezoning for the entire project to a Planned Unit Development (PUD). The project will require a waiver from the height limitation of 7 stories to allow the 10 story residential building, an approval of the shared parking concept from the strict interpretation of the Zoning Ordinance of 560 spaces to allow 325 spaces and a waiver of the Floor Area Ratio (FAR) limit of 1.5. (Actual proposed FAR has not yet been made available). She stated that the buildings will be constructed of brick and glass with balconies on the residential tower and staff recommends that the Board review the proposal and provide the developer input.

Chairman Sanger reiterated that this is conceptual review only at this time and as such, no vote will be taken.

Craig Saur stated that Conrad Properties begun construction in the area about 25 years ago and that the neighborhood has since prospered, but that North Meramec has been untouched. He stated the current office building has been successful due to its location and the ability to walk to the Central Business District. He stated their goal is to turn North Meramec into a place of interest. He stated they (Conrad Properties) own fee simple 215 N. Meramec and are looking to adjoin the remaining parcels to create a catalyst for North Meramec. He stated that they also purchased the Daniele Hotel and will close on it later this year. He indicated that the proposal is for the construction of a 2 building mixed-use development with the residential tower accommodating 132 apartment units. He stated they number of units may decrease a bit so as to make some units larger. He stated they were successful in turning the Claytonian (750 S. Hanley) into condominium units and converting Clayton on the Park to a senior living facility. He stated the residents of Clayton on the Park will be displaced and will need to relocate. He stated the proposed development will also include an 84,000 square foot boutique office. He stated plenty of parking will be provided for the development and that they plan to incorporate shared amenities into the project. Craig then introduced Lou Saur to the members who will discuss the project's architecture.

Lou Saur presented a color rendering of the subject area to the members, stating that he and Bob did 165 N. Meramec back in 1980 and has since done projects at 150 and the one next door. He stated he hopes this area will become an entire grouping of buildings with an improvement in the streetscape. A color rendering of the Meramec Avenue elevation was presented. He stated the taller structure will be the residential building and the shorter structure, the office building.

Jim Liberman asked about the change in the curb-line.

Lou Saur stated it is an extension of the streetscape. The ground floor levels of each building were presented as well as the central entrance of the residential building and the Meramec entrance to the office building.

Jim Liberman asked how one gets from the auto court to the garage.

Lou Saur stated you don't. The garage entrance is off Pershing. He stated that as a mixed-use project, during weekends and evenings the auto court and garage will be used for the residents and the weekdays, the garage and auto court will be used for the office personnel. He stated they will provide a 26' wide X 120' long landscape area along the west to provide a buffer between this development and the residential properties to the west.

A color rendering of the residential building was presented.

A layout of the garage was presented.

Jim Liberman asked if there will be any units in the lobby level of the residential building.

Craig Saur indicated that there will be some units on that level as well as some amenities to include the leasing office and work out/exercise area.

Lou Saur indicated that the residential building will be 90 feet wide X 160 feet long.

Steve Lichtenfeld asked if the condominium building to the west is twice the size of the west face of the residential tower.

Lou Saur replied "yes".

Steve Lichtenfeld asked about the south elevation. He asked if the two stories of brick begin at Meramec Avenue level and below that are two garage levels.

Lou Saur replied "yes".

Craig Saur commented that the grade rises south to north.

Jim Liberman indicated that the condominium building to the west is 4 stories tall.

Craig Saur stated that the Software to Go building is 1 story tall (very small); the ophthalmologic building is 3 stories tall (an all brick, obsolete building); the Capital Title building is 2 stories tall and the condominium building is 4 stories in height with a very steep roof and a parking garage that is very similar to theirs.

Lou Saur stated that there is a 6 story building to the south of this project.

Marc Lopata asked if a profile outlining the existing buildings could be drawn.

Scott Wilson stated that would be helpful.

Jim Liberman asked how they arrived at the parking number.

Catherine Powers stated that typically, 1 space for each 300 square feet of office space and 2 spaces for each residential unit are required; however, as a Planned Unit Development, the requirement can be reduced. She stated that they are asking for a waiver of the required 560 spaces to allow 325 spaces.

Chairman Sanger asked staff's opinion regarding the proposed parking for this project.

Catherine Powers stated that staff is in favor of the shared parking concept under the assumption that generally, office workers leave by 5:30 p.m. at which time residents begin to arrive, unless there are many empty nesters within the building.

Craig Saur reiterated that the 132 residential units is the cap; that number may be reduced.

Chairman Sanger asked about street parking.

Lou Saur stated there are 8 to 10 spaces along the street.

Jim Liberman asked what happens if the apartments get converted to condominiums.

Craig Saur stated that parking cannot be assigned as the shared parking concept would then be lost.

Scott Wilson asked if they are assuming one car per unit.

Craig Saur replied "yes".

Scott Wilson stated there are many 2 car families.

Catherine Powers indicated that a parking study will be required for this project.

Craig Saur commented that Clayton on the Park shared parking with the World Trade Center building.

Debbie Igielnik asked if other cities consider shared parking adequate.

Catherine Powers stated she does not know the opinion other cities have on shared parking, but she knows other cities do permit it.

Chairman Sanger asked the number of bedrooms the units will have and if they have target renters.

Craig Saur stated that the units will serve a whole range of people. He stated that the 1 bedroom units will be about 750 square feet, but that 3 bedroom units will also be available. He

stated most of the units will be between 750 and 1,350 square feet, but a few units may be as much as 1,700 square feet.

Steve Lichtenfeld asked what Floor Area Ratio (FAR) they will be proposing.

Craig Saur stated probably 3.5.

Steve Lichtenfeld stated he envisions this development as an intermediate between residential and the Central Business District (CBD) and that the mixed-use and shared parking concepts make sense, but believes they may be overreaching.

Craig Saur stated it would not be feasible to make the building smaller and that they are attempting to have a building with less of a visual impact with the landscaping and step back. He stated they have owned 215 N. Meramec for a little over a year now and the economic need to move this project along.

Chairman Sanger asked about zoning.

Catherine Powers stated that the C-2 District permits up to 7 stories; the R-4 District (Pershing) permits up to 3 stories. She stated the R-4 portion would have to be rezoned to C-2 and then the entire project rezoned to a PUD.

Craig Saur stated that they have been approached by the neighbors to the west and that they will meet with them about this project.

Jim Liberman commented that the south elevation of the project is not as exciting as the east elevation.

Lou Saur stated that the south elevation is a minor part of the building's image.

Steve Lichtenfeld stated that the 165 N. Meramec building is half the length as twice the mass this proposed new 10 story tower and as such, will be very visible from the downtown area.

Marc Lopata asked if the first floor will be retail.

Craig Saur replied "no". He stated the first floor of the residential building will include the leasing office and amenities and that the first floor of the commercial building may contain a small coffee bar.

Marc Lopata asked the benefit being provided to the City.

Craig Saur advised the members to look at what is there now. He stated the benefits will include the greenspace along the west that will have the potential for a sitting area or dog park and the landscaping. He stated the project may be LEED Certified. He stated this is not a retail site and could only possibly support a small restaurant or coffee shop.

Marc Lopata asked if he would commit to core and shell LEED Certification.

Craig Saur replied “yes”.

Scott Wilson asked what type of building is on Pershing north of the project.

Craig Saur indicated it is an apartment building.

Marc Lopata referred to the DeMun Point LEED Certification. He stated LEED Certification buildings have lower operating expenses and faster rentals. He stated there are distinctive financial benefits of LEED Certification.

Catherine Powers reminded the members that LEED Certification is one of many options of the PUD process.

Mel Disney commented that the total number of parking spaces included the 25 spaces in the motor court. He asked if those spaces are restricted or if they can be utilized all day.

Craig Saur stated that signs will be posted for the motor court so these spaces can be used for visitors.

Mel Disney commented that if that is the case, then they are really not “shared” spaces.

Craig Saur stated that visitor spaces can be included in the parking calculations.

Mel Disney asked if there is any circulation between the two parking levels.

Craig Saur replied “no”. He stated Pershing will be used to access each parking level.

Mel Disney asked about a free left turn lane onto Meramec Avenue from Maryland Avenue.

Craig Saur stated there is a center lane to turn onto Pershing from Meramec Avenue.

Ms. Joanne Rohret, 8028 Pershing, stated there is parking on the west side of Pershing.

Ms. Mary Burrows, 6633 San Bonita, stated that the lack of assigned parking spaces does not appeal to her.

Ms. Cheryl Verde, 334 N. Meramec, voiced her concern regarding the height. She asked rent will be charged for these apartment units.

Craig Saur replied between \$1,500 and \$3,500/month.

Ms. Connie Josse, 335 N. Meramec, stated she believes assigned parking is necessary, as open access is a concern.

Craig Saur stated that Clayton on the Park has open access (non-assigned) parking.

Chairman Sanger commented that what seem to be the issues of most concern are the height and, possibly, the parking; although he believes staff has some level of comfort with the proposal.

Catherine Powers stated that more formal design plans and a parking study will be required for the project to move forward.

Scott Wilson asked that the existing buildings be superimposed on the renderings for comparison purposes.

Craig Saur stated they will begin preparation of the necessary documents so they can submit a formal application.

Chairman Sanger stated that he agrees with Craig in that there is no need for retail at this location.

#### PUBLIC HEARING – BUSINESS DISTRICTS MASTER PLAN

Catherine Powers stated that this is a public hearing to solicit input regarding the adoption of the Business Districts Master Plan. In September, 1993, the Board of Aldermen accepted the Business Districts Master Plan, which was authored by LDR International, Inc., to provide a vision for guiding redevelopment in Clayton's commercial areas, particularly the Central Business District. The Master Plan was completed after extensive public outreach, which included three visioning sessions, individual interviews with stakeholders and several meetings held by the Economic Development Advisory Board (EDAC). In December, 1993, the Board accepted the Plan and directed the Plan Commission to begin work on zoning regulations to reflect components of the Plan. As a result, the City began its streetscape program, overlay zones were designated to encourage development in specific areas and residential and mixed-use projects were introduced in the Central Business District. The Master Plan has been an integral part of the decision making process for all new commercial development in Clayton for the past 14 years; however, in researching our Plan Commission records, staff has been unable to locate the Plan Commission's vote concerning the Master Plan. Catherine reiterated that the Master Plan was accepted by the Board of Aldermen and many aspects codified into Zoning Ordinance language. However, given new developments being considered, it is felt that having a record of its approval by the Plan Commission would assure that all aspects the adoption of the Plan are complete and records updated. The action being requested is simply a reaffirmation of the Business Districts Master Plan. Any revisions to the Plan will be considered at a later date. Catherine indicated that staff recommends the approval of the Plan dated September, 1993.

City Attorney O'Keefe distributed a Resolution reaffirming the Plan for the Commission's review and consideration. He explained that this is simply reassurance of the Plan to strictly assure that all the t's are crossed and i's dotted. He indicated that state law authorizes the Plan Commission to adopt the Plan whereas Clayton's Charter states that the Plan Commission is the recommending body and as such, asks the Plan Commission for formal action with regard to the Plan so that record of such is preserved in City records. He stated the Plan will be forwarded to the City's Board of Aldermen for formal adoption.



Chairman Sanger asked for confirmation that this Plan is not open for conversation (i.e. amendment, etc.) but to only ratify the Plan which already exists.

Kevin O'Keefe confirmed the Chairman's assessment. He added that the Commission can consider amendments as deemed appropriate, but at this time, the City wants no question of its status. He reminded the members that this is a public hearing.

Debbie Igielnik made a motion to open the public hearing. The motion was seconded by Steve Lichtenfeld and received unanimous approval of the members.

Marc Lopata asked if any of the contents of the Plan are up for discussion, referring to a "review committee".

Chairman Sanger replied "not at this time".

Marc Lopata asked the implications if this Plan is not ratified.

Kevin O'Keefe stated that affidavits would have to be made for lost records. He reminded the members that this is a guiding document and the foundation of a great deal of the City's Zoning Ordinance.

Mike Schoedel commented that the City went through a very detailed process back in 1993 to implement this document.

Mary Burrows asked if this public hearing was advertised as required.

Catherine Powers replied "yes". She indicated that as a general document not affecting specific property, the Zoning Ordinance does not require notification to each and every property owner in Clayton.

Ms. Burrows commented that the document endorses the use of eminent domain and asked the Commission to not re-endorse the Plan at this time. She added that she would be surprised to hear that the Commission has a copy of the plan as one was not provided to her.

Mike Schoedel reminded everyone that this is a "Plan" and does not provide power.

Ms. Burrows stated she understands that, but that the eminent domain aspect of the Plan is inappropriate.

Kevin O'Keefe commented that the courts denied the use of eminent domain due to lack of evidence, not because there was a question that eminent domain could be used.

Chairman Sanger stated that back in 1993 when the Plan was introduced, there were public hearings conducted, committees formed and meetings held. He stated that this Plan has been used ever since and now needs to be ratified as requested.

Kevin O’Keefe stated that we are not re-creating the adoption process, but simply ensuring that all t’s are crossed and i’s dotted. He stated the City has relied on this plan for almost 15 years and like any plan is subject to re-review.

Chairman Sanger stated that if he recalls correctly, this Plan is to be available as a “tool”.

At this time, Kevin O’Keefe read the proposed Resolution.

Debbie Igielnik made a motion to close the public hearing. The motion was seconded by Steve Lichtenfeld and received unanimous approval of the members.

Jim Liberman made a motion to accept the Resolution entitled “A RESOLUTION OF THE CITY PLAN COMMISSION ADOPTING, RATIFYING, ENDORSING AND REAFFIRMING THE CLAYTON BUSINESS DISTRICTS MASTER PLAN, AS A COMPONENT AND CONSTITUENT PART OF THE CITY PLAN AND MASTER PLAN OF THE CITY OF CLAYTON, MISSOURI”. The motion was seconded by Mike Schoedel and received unanimous approval of the members.

#### CITY BUSINESS – TRANSIT ORIENTED DEVELOPMENT (TOD) OVERLAY DISTRICTS

Catherine Powers stated that this is continued discussion of the proposed TOD Overlay Districts for the Forsyth and Central Avenue MetroLink Stations. She provided an outline of the revisions based on the previous comments of the members.

The revisions to the Forsyth TOD are as follows:

##### **Forsyth TOD:**

Page 1, Section 5a.1 “Purpose Statement” - Staff has added language referencing private/public development partnerships, where applicable, to support the TOD concept.

This provision was contained in earlier drafts, but did not get transferred to the codified version.

Page 1, Section 5a.2 “Location of Overlay Zone” – The location of the Forsyth TOD remains the same in this updated draft. Staff researched extending the boundaries to provide a tie along Forest Park Parkway; however, it is staff’s opinion that this area is too far from the station to possess the adjacency necessary for TOD designation.

Page 1, Section 5a.4 “Uses Permitted” – Automobile agencies are now designated as requiring a Conditional Use Permit.

Page 2, Section 5a.7 “Maximum Building Height” – This Section has been revised to reflect the desire of the Plan Commission for a gradual decrease in height toward Forsyth Boulevard. The revised regulations allow no maximum height in the HDC area and in the C-2 section of the south side of Forsyth from

Lyle to the east City limits. The C-2 section on the south side of Forsyth, from Lyle to Hanley and the north side of Forsyth from Hanley to the east City limits, plus the current R-4 lots behind the C-2 lots fronting Forsyth are subject to the height restrictions of the base zoning district (7 stories [90 feet] in C-2 and 3 stories [45 feet] in R-4). Height regulations may be waived by the Planned Unit Development (PUD) process.

Page 2, Section 5a.8 “Maximum Floor Area Ratio” – The maximum Floor Area Ratio (FAR) has been reduced to the base zoning of 1.5 for the C-2 lots between Lyle and Hanley on the south side of Forsyth Boulevard. The base zoning for the north side of Forsyth and the R-4 lots immediately behind the C-2 properties also follow the base zoning for FAR. The properties on the south side of Forsyth and in the Plaza area, where higher density is encouraged, will now have a FAR minimum of 3.0. FAR may be waived by the PUD process.

Page 2, Section 5a.10 “Off-street Parking and Loading Requirements” – This section was revised to reflect that the parking study be provided by a parking professional to be paid for by the developer.

Other changes made to the regulations are grammatical in nature.

The revisions to the Central TOD are as follows:

**Central Ave. TOD:**

Page 1, Section 6a.1 “Purpose Statement” - Staff has added language referencing private/public development partnerships, where applicable, to support the TOD concept.

This provision was contained in earlier drafts, but did not get transferred to the codified version.

Page 1, Section 6a.2 “Location of Overlay Zone” – The west boundary of the Central Ave. TOD has been extended to Hanley Road on the west. The new boundaries are:

Shaw Park Drive on the south, the west side of Hanley on the east, the east side of Brentwood Blvd. on the west and Bonhomme on the north.

Page 1, Section 6a.4 “Uses Permitted” – Automobile agencies are now designated to require a Conditional Use Permit.

Page 2, Section 6a.10 “Off-Street Parking & Loading Requirements” - This section was revised to reflect that the parking study be provided by a parking professional to be paid for by the developer.

Other changes made to the regulations are grammatical in nature.

Catherine noted that in addition to these revisions, staff recently revised the language contained in both Districts pertaining to LEED Certification, so as to read as follows: “Development must be LEED Certified by the US Green Building Council.”

Jason Jaggi presented a map depicting the proposed boundaries of the subject overlay districts.

Chairman Sanger asked if it would be possible for a developer to request a waiver of the minimum FAR of 1.5.

Catherine Powers indicated that it could be possible for a very small project.

Jason Jaggi stated that the western boundary of the Central Avenue Station Overlay District has now been extended to Hanley Road. He stated that the Forsyth Station Overlay District boundaries are the same as previously presented.

Catherine Powers commented that there is no good connection between the Forsyth Station and Hanley Road.

Chairman Sanger asked when the proposed Districts go to the Board of Aldermen for approval.

Catherine Powers explained that the Plan Commission must first hold a public hearing.

Chairman Sanger asked if the notification will be available on the City’s web site.

Jason Jaggi replied “yes”. He stated that additionally, affected property owners will be notified.

Jim Liberman stated the revised regulations look good to him.

Mike Schoedel referred to Section 5a.11 and asked if requiring a type of certification that was adopted by another entity could pose a problem.

Kevin O’Keefe stated that he will check into this, because as it is currently written, it could be problematic. He indicated that it is required that copies of the codes are made available for public review for 90 days before their adoption.

Chairman Sanger stated he believes that it is important to encourage green developments.

Kevin O’Keefe stated he will work with staff regarding this matter.

Marc Lopata referred to Seattle’s and other cities’ requirements for LEED. Clayton has already mandated LEED for city-owned building (for new construction).

Kevin O’Keefe reminded the members that the City adopts the electrical code, but has not adopted a green building code.

Chairman Sanger asked Kevin and staff to review this issue.

Mr. Jeff Gershman, Attorney (6464 Cecil) representing owners of Forsyth property east of Hanley stated that his clients are very interested in this issue and that it is imperative that they be given notice of any public meetings so they are made aware of public hearings. He asked what happens to the Clayton Plaza Overlay District if these new overlay districts are adopted.

Catherine Powers stated that the Clayton Plaza Overlay District would dissolve with the adoption of this District (for the affected properties only).

Jim Liberman asked about the November 19<sup>th</sup> meeting.

Catherine Powers indicated that we hope to have a quorum as staff anticipates a lengthy agenda. She mentioned the possibility of changing the meeting date to the 26<sup>th</sup>.

Being no further business for the Plan Commission/Architectural Review Board, this meeting adjourned at 7:20 p.m.

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Recording Secretary